



10:52 am, 6/21/18

Tim J. Ellis
Clerk of Court

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WYOMING**

In re:)
DENNIS MEYER DANZIK,)
) Case No. 17-20934
) CHAPTER 11
Debtor.)

**ORDER DENYING DEBTOR'S MOTION FOR AN ORDER VACATING AN ORDER
DIRECTING THAT A 2004 EXAM BE CONDUCTED**

This matter is before the court on the above-captioned Motion and the opposition filed by Creditors CWT Canada II Limited Partnership and Resource Recovery Corporation (CWT Parties). Upon review of the pleadings, the court determines a hearing will not benefit the court in making a decision on this matter. Therefore, the court rules without a hearing.

Jurisdiction

The court has jurisdiction of this matter under 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). Venue is proper under 28 U.S.C. § 1408.

Background

This court entered an order providing for the examination of Debtor Dennis Danzik and production of documents pursuant to Fed. R. Bankr. P. 2004. The parties did not agree to the date, time, or location of the examination. Each party alleges the other did not cooperate in scheduling the same.

Discussion

Any party in interest may request a Rule 2004 examination by filing a motion to examine the debtor relating to the acts, conduct or property, or to the liability and financial condition of debtor.¹ The examination may also include any matter which may affect the administration of the bankruptcy estate or Debtor's discharge.² Attendance may be compelled under Rule 9016, by subpoena.³

¹ Fed. R. Bankr. P. 2004.

² *Id.*

³ *Id.*

Debtor seeks to have the 2004 examination conducted by a “party in interest to this case.” Rule 2004 allows any party, to conduct an examination.⁴ The CWT parties are a party in this bankruptcy case as creditors. Therefore, the CWT parties may conduct a 2004 examination and request production of documents.

In spite of the contentious relationship between these parties, the CWT Parties may conduct a Rule 2004 examination and request the production of documents. Debtor has a duty to comply, appear and provide requested documents. Therefore the parties shall cooperate and coordinate a time, place, and location of the exam, based upon the convenience to all involved.

IT IS ORDERED Debtor’s Motion to Vacating the Order Directing a 2004 Examination is DENIED; and it is further

ORDERED parties shall agree to a date, time and location of the 2004 examination within 30 days of the date of this Order; and it is finally

ORDERED Debtor shall appear for the examination and produce the requested documents.

BY THE COURT



Honorable Cathleen D. Parker 6/21/2018
United States Bankruptcy Judge

⁴ Rule 2004(a).